

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
Amendment of Parts 1, 21, 73, 74 and 101 of the	)	WT Docket No. 03-66
Commission's Rules to Facilitate the Provision of	)	RM-10586
Fixed and Mobile Broadband Access, Educational	)	
and Other Advanced Services in the 2150-2162	)	
and 2500-2690 MHz Bands	)	

**ORDER**

**Adopted: July 31, 2006**

**Released: August 1, 2006**

By the Deputy Chief, Broadband Division, Wireless Telecommunications Bureau:

**I. INTRODUCTION**

1. On July 26, 2006, the Wireless Communications Association International, Inc. (WCA) filed a Motion For Leave to Exceed Page Limits in Section 1.429(f) and (g)<sup>1</sup> of the Commission's Rules.<sup>2</sup> For the reasons discussed below, we grant WCA's request.

**II. BACKGROUND**

2. On April 27, 2006, the Commission released the *Second Report and Order (BRS/EBS 2nd R&O)*<sup>3</sup> in which the Commission adopted a substantial service standard as the performance requirement for Broadband Radio Service (BRS) and Educational Broadband Service (EBS) licensees, decided to defer the adoption of auction rules pending the completion of the transition, adopted a method of resolving the geographic overlap between grandfathered E and F EBS licensees and BRS E and F licensees, eliminated the four-channel rule and the wireless cable exception, adopted a regulatory fee structure for BRS licensees, and terminated the Gulf of Mexico proceeding. The *BRS/EBS 2nd R&O* was published in the Federal Register on June 19, 2006<sup>4</sup> and petitions for reconsideration were due on July 19, 2006.<sup>5</sup> On July 27, 2006, the Commission released a Public Notice listing ten petitions for reconsideration that were filed in response to the *BRS/EBS 2nd R&O*.<sup>6</sup>

<sup>1</sup> 47 CFR § 1.429(f) and (g).

<sup>2</sup> Wireless Communications Association International, Inc. Motion for Leave to Exceed Page Limits (filed July 26, 2006) (Motion).

<sup>3</sup> Amendment of Parts 1, 21, 73, 74 and 101 of the Commission's Rules to Facilitate the Provision of Fixed and Mobile Broadband Access, Educational and Other Advanced Services in the 2150-2162 and 2500-2690 MHz Bands, *Third Memorandum Opinion and Order and Second Report and Order*, WT Docket No. 03-66, 21 FCC Rcd. 5606 (2006) (*BRS/EBS 2nd R&O*).

<sup>4</sup> 71 Fed. Reg. 35178 (June 19, 2006).

<sup>5</sup> See 47 CFR § 1.429(d).

<sup>6</sup> Petitions for Reconsideration of Action in Rulemaking Proceeding, *Public Notice*, Report No. 2783 (CGB rel. Jul. 27, 2006).

### III. DISCUSSION

3. Section 1.429(f) of the Commission's Rules prohibits oppositions to petitions for reconsideration from exceeding 25 double-spaced typewritten pages. Section 1.429(g) of the Commission's Rules prohibits replies to an opposition from exceeding 10 double-spaced typewritten pages. WCA, however, has demonstrated good reasons to extend the page limits in the current proceeding. Specifically, WCA notes that a total of ten petitions for reconsideration were timely filed in response to the *BRS/EBS 2nd R&O* and that there is very little "issue overlap" among the filings.<sup>7</sup> WCA notes the parties may find that it is more efficient to address all the issues in a single, consolidated opposition or reply to opposition, as the case may be, than to file multiple oppositions or replies to address each petition individually.<sup>8</sup> WCA notes that it will require far fewer pages to respond to all of the petitions collectively as opposed to submitting separate oppositions or replies to each one.<sup>9</sup> WCA further notes that giving the parties the option of filing a single, consolidated pleading under the expanded page limits would assist the Commission staff in analyzing the issues.<sup>10</sup>

4. We agree with WCA that it and other interested party who chooses to file a consolidated opposition to the petitions for reconsideration or a consolidated reply to the oppositions should be able to exceed the page limitations set forth in Sections 1.429(f) and (g) of the Commission's Rules. We find that filing consolidated oppositions and replies would be more efficient for interested parties and Commission staff and would enable the issues to be analyzed more quickly. We believe that a page limit of 50 pages is appropriate for consolidated oppositions to petitions for reconsideration in this proceeding. We further believe that a page limit of 20 pages is appropriate for consolidated replies.

### IV. CONCLUSION AND ORDERING CLAUSES

5. We grant WCA's motion and extend the page limits applicable to consolidated oppositions to petitions for reconsideration of the Commission's *BRS/EBS 2nd R&O* to 50 pages and extend the page limit to 20 pages for consolidated replies. These extensions apply to all parties filing consolidated oppositions to petitions for reconsideration of the *BRS/EBS 2nd R&O* or who are filing consolidated replies to the oppositions.

6. Accordingly, IT IS ORDERED, pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 303(r), and Section 1.429(f) of the Commission's Rules, 47 CFR § 1.429(f), that the Motion to Extend Page Limits filed by the Wireless Communications Association International, Inc. on July 26, 2006 is GRANTED and the limit applicable to all parties filing consolidated oppositions to petitions for reconsideration of the Commission's *BRS/EBS 2nd Report and Order* IS HEREBY EXTENDED to 50 pages.

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<sup>7</sup> Motion at 2.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

7. IT IS FURTHER ORDERED, pursuant to Sections 4(i) and 303(r) of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i) and 303(r), and Section 1.429 (g) of the Commission's Rules, 47 CFR § 1.429(g), that the Motion to Extend Page Limits filed by the Wireless Communications Association International, Inc. on July 26, 2006 is GRANTED and the limit applicable to all parties filing consolidated replies to oppositions to petitions for reconsideration of the Commission's *BRS/EBS 2nd Report and Order* IS HEREBY EXTENDED to 20 pages.

8. These actions are taken under designated authority pursuant to Sections 0.131 and 0.331 of the Commission's Rules, 47 C.F.R. §§ 0.131, 0.331.

FEDERAL COMMUNICATIONS COMMISSION

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